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OFFICE OF PETITIONS

In re Application of
Barry John Bryar
Application No. 10/583,484
Filed: June 15, 2006

DECISION ON PETITION

This is a decision on the petition, filed October 13, 2011, which is being treated as a petition under 37 CFR 1.181 (no fee), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

The Notice of abandonment mailed October 11, 2011 held this application to have gone abandoned for failure to timely respond to the Non-Final Office action of April 5, 2011, which set a three (3) month shortened statutory period for reply. Accordingly, a reply was due on or before July 5, 2011 or, on or before October 5, 2011, with a three (3)-month extension of time under 37 CFR 1.136.

Petitioner states that a timely reply was submitted electronically with USPTO on October 5, 2011, which included the following papers: a request for three (3) month extension of time, and an amendment.

A review of the written record indicates that the petitioner filed an amendment and fees for a three (3) month extension of time on October 5, 2011. As this was a timely reply, the application is not abandoned in fact.

Accordingly, the holding of abandonment for failure to timely file a reply to the Office action of April 5, 2011 is hereby **withdrawn**.

Telephone inquiries regarding this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 3657 for appropriate action in the normal course of business.

/ Ramesh Krishnamurthy/

Ramesh Krishnamurthy

Petitions Examiner

Office of Petitions